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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,218	06/30/2003	Ilario A. Coslovi	64080/3	1794
27871	7590	02/12/2004	EXAMINER	
BLAKE, CASSELS & GRAYDON LLP BOX 25, COMMERCE COURT WEST 199 BAY STREET, SUITE 2800 TORONTO, ON M5L 1A9 CANADA			LE, MARK T	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center"><b>Office Action Summary</b></p>	<b>Application No.</b> 10/608,218	<b>Applicant(s)</b> COSLOVI, ILARIO A.	
	<b>Examiner</b> Mark T. Le	<b>Art Unit</b> 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____<br>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)<br>6) <input type="checkbox"/> Other: ____ |
|--|--|

### DETAILED ACTION

1. Figures 1b-1d appear to depict prior arts. If such is true, the Figures should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. In claim 6, line 2, the expression "said abutment face", and in claim 10, line 2, the expression "said bearing surface" lack antecedent basis. Correction is required.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 4-8, 12-14, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hartwig (US 2,078,176).

Hartwig discloses a center plate having all the features recited in the instant claims, including radially outermost portion or wall 116, an upwardly oriented mounting interface or abutment formed on top of wall 116, welding relief 117, downwardly facing surface at 113, and integrally formed central portion at 114.

Regarding the instant claimed upwardly oriented indexing member recited in claims 8 and 13, note that plate 100 of Hartwig is readable as an upwardly oriented indexing member as broadly recited in the instant claims.

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 10-11, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Hartwig (US 2,078,176).

Hartwig is applied above.

It is noted that structure 113 of Hartwig is formed by forging instead of casting; however, casting and forging are well known alternative methods of metal forming (Official Notice is taken), and it would have been obvious to one skilled in the art to alternatively forming the structure of Hartwig by casting, depending upon the available tools/equipment at the time of making the structure.

Regarding the instant claimed center plate bowl for receiving the center plate, recited in claim 20, note that the use of a center plate bowl for accommodating a center plate is common in the art (Official Notice is taken); therefore, it would have been obvious to one skilled in the art to provide a center plate bowl, as well known in the art, for accommodating the center plate of Hartwig and for achieving the expected function thereof.

7. Claims 8-9 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over by Hartwig (US 2,078,176) in view of Cope (US 3,831,530).

Hartwig is applied above.

Regarding the instant claimed webs, consider reinforcing webs 52 of Cope. In view of Cope, it would have been obvious to one skilled in the art to further provide reinforcing webs, similar to that of Cope, in the structure of Hartwig for reinforcing the structure thereof.

Regarding the instant claimed web being used as indexing member, note that the reinforcing webs of Hartwig are capable of being used as indexing members, i.e. during an installation, an installer would be able to eye on the orientation of the position/orientation of the reinforcing webs of Hartwig, as modified, to correctly positioning and orienting the center plate in a railcar structure.

Regarding the instant claimed super-elevated portion, note that the top portions of the webs of Hartwig, as modified, are readable as super-elevated portions.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant should further consider the structures of Street, Tangerman, Altherr, Lin, Burke, and Long.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 703-308-3663. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mark T. Le  
Primary Examiner  
Art Unit 3617

mle  
2/6/04